

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI)

: Consolidated Under
: MDL DOCKET NO. 875
:

This Order Relates to:

: E.D. Pa. Nos.
:

Jacobs v. Owens-Illinois Inc., et al.
Zickert v. Bayer Crop Sci. Inc., et al.
Sebastian v. Owens-Illinois Inc.
Helms v. A.W. Chesterton Co., et al.
Heckel v. A.W. Chesterton Co., et al.

: 13-60011
: 13-60013 - file
: 13-60014
: 13-60018
: 13-60019

FILED

APR - 3 2014

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 3rd day of April, 2014, upon consideration of “Owens-Illinois, Inc.’s [“OI”] Motion to Compel and to Determine the Sufficiency of Answers and Objections” (13-60011 Doc. 59, 13-60013 Doc. 29, 13-60014 Doc. 20, 13-60018 Doc. 32, and 13-60019 Doc. 33) and the plaintiffs’ responses (13-60011 Doc. 62, 13-60013 Doc. 31, 13-60014 Doc. 21, 13-60018 Doc. 34, and 13-60019 Doc. 35), it is hereby **ORDERED** that the motions are **DENIED without prejudice** for failure to follow the October 31, 2013 scheduling orders, as amended on February 27, 2014.¹

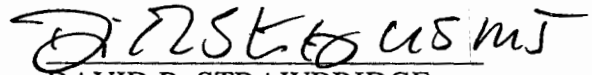
¹ The scheduling orders are docketed at: Jacobs, 13-60011 Docs. 49 & 57; Zickert, 13-60013 Docs. 20 & 28; Sebastian, 13-60014 Doc. 17; Helms, 13-60018 Docs. 19 & 30; and Heckel, 13-60019 Docs. 20 & 31. Paragraph 11 of the October 31, 2013 scheduling orders, which was specifically left unmodified by the February 27, 2014 amendments, provides that:

Before attempting to file a motion related to a discovery dispute, the parties shall confer in good faith and attempt to resolve the issue. Failing that, the parties may contact Joel Lang (joel_lang@paed.uscourts.gov) or my chambers to schedule a conference call regarding the issue. The parties are precluded from filing motions regarding such disputes without leave of court. Any motion that is filed must specifically reference that efforts to confer and resolve the issue occurred between the parties.

In its motions, OI asserts that it attempted to confer with the plaintiffs on January 23 and 27, 2014 and February 18, 19, and 27, 2014. However, OI did not contact Mr. Lang, seek a

Continued

BY THE COURT:

A handwritten signature in black ink, appearing to read "D. R. Strawbridge", is written over a horizontal line.

DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

conference call, or seek leave to file its motions before filing them. Furthermore, plaintiffs' counsel "respectfully disagrees with [OI's] characterization" of the meet and confer attempts, since they claim that the discovery requests at issue were not even served until January 27, 2014. **It is the Court's expectation that counsel will diligently work to meet, confer and resolve this issue without further need of court intervention.**